

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA,
ex rel. ALEX DOE, Relator,

THE STATE OF TEXAS,
ex rel. ALEX DOE, Relator,

THE STATE OF LOUISIANA,
ex rel. ALEX DOE, Relator,

Plaintiffs,

V.

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,
PLANNED PARENTHOOD GULF
COAST, INC., PLANNED
PARENTHOOD OF GREATER
TEXAS, INC., PLANNED
PARENTHOOD SOUTH
TEXAS, INC., PLANNED
PARENTHOOD CAMERON
COUNTY, INC., PLANNED
PARENTHOOD SAN ANTONIO,
INC.,

Defendants.

Civil Action No. 2:21-CV-00022-Z

JOINT LIST OF PENDING MOTIONS

Pursuant to the Court's Order dated June 16, 2023 (Dkt. 458), the parties submit this joint list of motions, responses, replies, sur-replies, briefs in support and/or appendices that the parties seek to reopen. Docket entries indicated with an

asterisk were filed under seal pursuant to the July 25, 2022 Protective Order (Dkt. 133).

Plaintiffs' Motions for Summary Judgment

- Dkt. 388** State of Texas's Motion for Summary Judgment
- Dkt. 389** Relator's Motion for Partial Summary Judgment
- Dkt. 391** Plaintiffs' Brief in Support of State of Texas's Motion for Summary Judgment (Dkt. 388) and Relator's Motion for Partial Summary Judgment (Dkt. 389)*
- Dkt. 411** Plaintiffs' Supplemental Brief re *United States ex rel. Proctor v. Safeway, Inc.* and Dkt. 409
- Dkt. 414** Defendant Planned Parenthood Federation of America, Inc.'s Response in Opposition to State of Texas's Motion for Summary Judgment (Dkt. 388) and Relator's Motion for Partial Summary Judgment (Dkt. 389)
- Dkt. 417** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Response in Opposition to State of Texas's Motion for Summary Judgment (Dkt. 388) and Relator's Motion for Partial Summary Judgment (Dkt. 389)
- Dkt. 419** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio,

Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Motion to Seal Unredacted Memorandum and Portion Of Supplemental Appendix In Support Of Affiliate Defendants' Opposition To Plaintiffs' Motions For Summary Judgment

Dkt. 440 Plaintiffs' Reply in Support of State of Texas's Motion for Summary Judgment (Dkt. 388) and Relators' Motion for Partial Summary Judgment (Dkt. 389)*

Dkt. 455 Plaintiffs' Brief on *United States ex rel. Schutte v. Supervalu, Inc.*

Plaintiffs' Summary Judgment Evidence

Dkt. 390 Plaintiffs' Appendix in Support of State of Texas's Motion for Summary Judgment (Dkt. 388) and Relator's Motion for Partial Summary Judgment (Dkt. 389)*

Dkt. 400 Plaintiffs' Index to Appendix in Support of State of Texas's Motion for Summary Judgment (Dkt. 388) and Relator's Motion for Partial Summary Judgment (Dkt. 389)

Dkt. 416 Plaintiffs' Supplemental Appendix in Support of State of Texas's Motion for Summary Judgment and Relator's Motion for Partial Summary Judgment* **Dkt. 441** Plaintiffs' Second Supplemental Appendix in Support of State of Texas's Motion for Summary Judgment (Dkt. 388) and Relators' Motion for Partial Summary Judgment (Dkt. 389)*

- Dkt. 433** Relator's Motion to Compel Production of Document on Privilege Log and Brief in Support¹
- Dkt. 434** Unopposed Motion to Expedite Consideration and Briefing of Relator's Motion to Compel (Dkt. 433)
- Dkt. 461** Affiliate Defendants' Opposition to Relator's Motion to Compel Production of Document on Privilege Log (Dkt. 433)
- Dkt. 462** Appendix in Support of Affiliate Defendants' Brief in Opposition to Relator's Motion to Compel (Dkt. 461)

Defendants' Motions for Summary Judgment

- Dkt. 381** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Motion for Summary Judgment
- Dkt. 382** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Brief in Support of Motion for Summary Judgment (Dkt. 381)
- Dkt. 384-1** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio,

¹ Defendants believe the motion to compel and related briefing should be in a separate section of this document because it is unrelated to Plaintiffs' motion for summary judgment.

Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Unredacted Brief in Support of Motion for Summary Judgment (Dkt. 381)

Dkt. 385 Defendant Planned Parenthood Federation of America, Inc.'s Motion for Summary Judgment and Supporting Brief

Dkt. 415 Plaintiffs' Response in Opposition to Defendants' Motions for Summary Judgment (Dkt. 381) (Dkt. 385)*

Dkt. 435 Defendant Planned Parenthood Federation of America, Inc.'s Reply in Support of Motion for Summary Judgment (Dkt. 385)

Dkt. 438 Defendant Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Reply in Support of Motion for Summary Judgment (Dkt. 381)

Dkt. 456 Defendants' Brief Addressing *U.S. ex rel. Schutte v. Supervalu, Inc.*

Defendants' Summary Judgment Evidence

Dkt. 383 Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Appendix in Support of Motion for Summary Judgment (Dkt. 381)

- Dkt. 384-2** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Sealed Appendix in Support of Motion for Summary Judgment (Dkt. 381)
- Dkt. 386** Defendant Planned Parenthood Federation of America, Inc.'s Appendix in Support of Motion for Summary Judgment (Dkt. 385)
- Dkt. 387** Defendant Planned Parenthood Federation of America, Inc.'s Motion to Seal Appendix in Support of Motion for Summary Judgment and Supporting Brief
- Dkt. 418** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Supplemental Appendix
- Dkt. 420** Defendants Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned Parenthood of Greater Texas, Inc.'s Sealed Supplemental Appendix
- Dkt. 439** Defendant Planned Parenthood Cameron County, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood San Antonio, Inc., Planned Parenthood South Texas, Inc., and Planned

Parenthood of Greater Texas, Inc.'s Second Supplemental
Appendix

Relator's Motions to Unseal

- Dkt. 410** Relator's Motion to Unseal Appendix (Dkt. 390) and Brief in Support of State of Texas's Motion for Summary Judgment and Relator's Motion for Partial Summary Judgment (Dkt. 391)
- Dkt. 426** Defendants' Response in Opposition to Relator's Motion to Unseal (Dkt. 410)
- Dkt. 442** Relator's Reply in Support of Motion to Unseal Appendix and Brief in Brief in Support of State of Texas's Motion for Summary Judgment and Relator's Motion for Partial Summary Judgment (Dkt. 410)
- Dkt. 425** Relator's Motion to Unseal Plaintiffs' Supplemental Appendix (Dkt. 416) and Response in Opposition to Defendants' Motions for Summary Judgment (Dkt. 415)
- Dkt. 460** Defendants' Response in Opposition to Relator's Motion to Unseal (Dkt. 425)
- Dkt. 459** Relator's Motion to Unseal Plaintiffs' Reply in Support of Plaintiffs' Motions for Summary Judgment (Dkt. 440) and Second Supplemental Appendix (Dkt. 441)

Pro Hac Vice Application

- Dkt. 432** Application for Admission *Pro Hac Vice* for Anton Metlitsky

Motion to Seal

Dkt. 399 Motion to Seal Exhibit 2 of Defendants' Notice Regarding State of Texas's Withdrawal of Legislative Privilege Claims filed by Defendants Planned Parenthood Cameron County Inc., Planned Parenthood Federation of America Inc., Planned Parenthood Gulf Coast Inc., Planned Parenthood San Antonio Inc., Planned Parenthood South Texas Inc., Planned Parenthood of Greater Texas Inc.

Respectfully submitted.

/s/ Andrew B. Stephens

Andrew B. Stephens

Texas Bar No. 24079396

Heather Gebelin Hacker

Texas Bar No. 24103325

HACKER STEPHENS LLP

108 Wild Basin Road South, Suite 250

Austin, Texas 78746

(512) 399-3022

andrew@hackerstephens.com

heather@hackerstephens.com

Attorneys for Relator

JOHN B. SCOTT

Provisional Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN E. COWLES

Deputy Attorney General for Civil Litigation

/s/ Reynolds Brissenden
Reynolds Brissenden
Texas Bar No. 24056969
Deputy Chief, Civil Medicaid Fraud Division
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 / Fax (512) 320-0667
Reynolds.Brissenden@oag.texas.gov

Attorneys for State of Texas

O'MELVENY & MYERS LLP

By: /s/ Danny S. Ashby

DANNY S. ASHBY
Texas Bar No. 01370960
dashby@omm.com MEGAN R.
WHISLER
Texas Bar No. 24079565
mwhisler@omm.com
2501 N. Harwood Street, Suite 1700
Dallas, Texas 75201
T: (972) 360-1900
F: (972) 360-1901

LEAH GODESKY (*pro hac vice*)
lgodesky@omm.com
1999 Avenue of the Stars, 8th Floor Los
Angeles, California 90067
T: (310) 553-6700
F: (310) 246-6779

RYAN BROWN ATTORNEY AT LAW RYAN
PATRICK BROWN
Texas Bar No. 24073967
ryan@ryanbrownattorneyatlaw.com 1222 S.
Fillmore St.
Amarillo, Texas 79101
T: (806) 372-5711
F: (806) 350-7716

*Attorneys for Defendant Planned Parenthood
Federation of America, Inc.*

ARNOLD & PORTER KAYE SCHOLER LLP

/s/ Tirzah S. Lollar

Craig D. Margolis

Craig.Margolis@arnoldporter.com Tirzah

S. Lollar Tirzah.Lollar@arnoldporter.com

Christian Sheehan

Christian.Sheehan@arnoldporter.com

Jayce Born

Jayce.Born@arnoldporter.com

Megan Pieper

Megan.Pieper@arnoldporter.com

601 Massachusetts Ave, NW

Washington, DC 20001-3743

Telephone: +1 202.942.5000

Fax: +1 202.942.5999

Christopher M. Odell

Texas State Bar No. 24037205

Christopher.Odell@arnoldporter.com

700 Louisiana Street, Suite 4000

Houston, TX 77002-2755

Telephone: +1 713.576.2400

Fax: +1 713.576.2499

Paula Ramer

250 West 55th Street

New York, New York 10019-9710

T: +1 212.836.8474

Paula.Ramer@arnoldporter.com

RYAN BROWN ATTORNEY AT LAW

Ryan Patrick Brown

Texas Bar No. 24073967

ryan@ryanbrownattorneyatlaw.com

1222 S. Fillmore St.

Amarillo, Texas 79101

T: (806) 372-5711

F: (806) 350-7716

*Attorneys for Defendants Planned Parenthood
Gulf Coast, Inc., Planned Parenthood of Greater
Texas, Inc., Planned Parenthood of South Texas,
Inc., Planned Parenthood Cameron County, Inc.,
and Planned Parenthood San Antonio, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2023, this document was electronically filed and served via the Court's CM/ECF system.

/s/ Andrew B. Stephens
Andrew B. Stephens